

9-3594

In the City Council  
City of Lodi  
Lodi, California

ORDINANCE NO. 447

AN ORDINANCE GRANTING TO THE TOKAY COLD STORAGE COMPANY, A CORPORATION, AND TO ITS SUCCESSORS AND ASSIGNS, FOR SUCH TERM AND LENGTH OF TIME AS SHALL MEET WITH THE PLEASURE OF THE CITY COUNCIL OF THE CITY OF LODI, THE RIGHT, PRIVILEGE AND PERMISSION TO CONSTRUCT AND MAINTAIN, A SPUR RAILWAY TRACK OF STANDARD GAUGE AND OPERATE LOCOMOTIVES, CARS AND OTHER ROLLING STOCK UPON, OVER AND ACROSS FLORA STREET IN THE CITY OF LODI.

The City Council of the City of Lodi does ordain as follows:

Section 1: The City of Lodi hereby grants to the Tokay Cold Storage Company, a corporation organized under the laws of the State of California, its successors and assigns, for the term, period and length of time as shall meet with the pleasure of the City Council of said City of Lodi and subject to the terms and conditions hereinafter made and expressed, the right, privilege and permission to construct, lay down, build, operate and maintain across that portion of Flora Street in the City of Lodi hereinafter described, a spur, road bed and railroad track of standard gauge with the right, privilege and permission to operate thereon locomotives, trains, cars and other rolling stock.

The route on, over and across said Flora Street shall be located in that certain portion described as follows:

The center line of said track will be Located fifteen feet West of the East line of a strip of land described as follows:

A portion of Lot Fourteen (14) in Block A, Sub-division of Lot Seventy-two (72) in Lodi Barnhart Tract.

Section 2: The right, privilege and permission hereby granted to said Tokay Cold Storage Company, a corporation, its successors and assigns, is revocable at any time: by the City Council of said City of Lodi.

Section 3: The right, privilege and permission hereby granted to said Tokay Cold Storage Company, a corporation, its successors and assigns, is dependent; for its continuance and validity upon the performance by said company, its successors and assigns of the following conditions, to-wit:

FIRST: In the event of revocation of this right, privilege and permission by the City council. of said City of Lodi, the Tokay Cold Storage Company, a corporation, its successors or assigns, shall remove a31 tracks, ties, rails, and other appurtenances from said Flora Street, and shall grade or re-grade, pave or re-pave, gravel or re-gravel, macadamize or re-macadamize, said Flora Street to the official. grade of said Flora Street with such material and in such manner as shall. be satisfactory to the said City Council of the City of Lodi ,

SECOND: The Tokay Cold Storage Company, a corporation, its successors and assigns, shall maintain the spur, road bed and track across Flora Street *to the* official grade of Flora Street and shall not change the grade of its said road bed or track without the permission of the City Council of said City of Lodi.

THIRD: The said Tokay Gold Storage Company, a corporation, its successors or assigns, shall keep the said road bed and spur track in good condition with the groper slope to enable vehicles and pedestrians to cross said road bed and tracks.

**FOURTH:** The Tokay Cold Storage Company, a corporation, its successors and assigns, shall **keep** Flora Street across which said tracks are laid and between the **rails** thereof and for a width extending three feet on each side of said rails, in good repair and **shall** grade or regrade, pave or re-pave or gravel or re-gravel, macadamize **or** re-macadamize, with such material or materials **as** shall be satisfactory to the said City Council of the said City of Lodi.

Section 4: The right, privilege and permission contained in this ordinance is granted to the Tokay Cold Storage Company, a corporation, its successors and assigns, subject to any provisions or restrictions placed upon said spur, railway track or road bed made by the Public Utilities Commission of the State of California, and said Tokay Cold Storage Company, a corporation, its successors and assigns, shall comply with and obtain all permits, rules, regulations or orders of the Public Utilities Commission of the State of California.

Section 5: For the purpose of laying, constructing and using the aforesaid spur, railway track or road bed, all rights and privileges hereunder conferred to said Tokay Cold Storage Company, its successors and assigns, shall **enure** to and for the benefit of Central California Traction Company, a corporation, and **all** obligations and conditions hereof shall extend to and bind the said Central California Traction Company,

Section 6. This ordinance shall be in full force and effect from and after thirty days from its final passage and approval.

Approved this 5th day of September, 1951.

H. J. TOLLIVER  
MAYOR OF THE CITY OF LODI

Attest: J. F. BLAKELY  
City Clerk

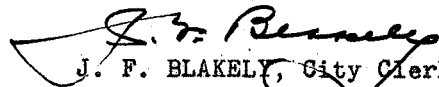
I, J. F. **BLAKELY**, City Clerk of the City of Lodi and ex-officio Clerk of the City Council of said City do hereby **certify** that the foregoing Ordinance No. 447 **was** regularly introduced in said City Council in regular meeting held August 15, 1951, and was thereafter, on the 5th day of **September**, 1951, passed, adopted and ordered to print by the following vote:

AYES: Councilmen, **BULL, HASKELL, PRESZLER, RINN AND TOLLIVER**

NOES: Councilmen, NONE

ABSENT: Councilmen, NONE

I **FURTHER CERTIFY** that said Ordinance No. 447 was approved and signed by the Mayor on the date of **its** passage and that **the** same has been published pursuant to law.

  
J. F. **BLAKELY**, City Clerk

September 6, 1951